

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 2:06-CR-32

v.

HON. ROBERT HOLMES BELL

JOSEPH ALAN SMITH,

Defendant.

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MEMORANDUM OPINION AND ORDER

This matter is before the Court on defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #295). Based on a review of defendant's motion, the Sentence Modification Report, submission by counsel on behalf of the government, and the original criminal file, the Court has determined that the motion should be **DENIED** as follows:

Defendant was sentenced to 60 months in custody at the time of sentencing on April 18, 2007. The mandatory minimum sentence in this case was 60 months. Consequently, defendant is ineligible for a sentence reduction.

Date: October 23, 2009

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE